

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN G. DIAZ,

Plaintiff,

vs.

BENTON COUNTY JAIL, LARRY D.  
TAYLOR, OFFICER HAWKINS, and  
OFFICER DURRELL,

Defendants.

NO. CV-08-5095-RHW

ORDER DISMISSING COMPLAINT WITHOUT  
PREJUDICE

BEFORE THE COURT is Plaintiff John G. Diaz's Motion to Voluntarily Dismiss Complaint pursuant to Fed. R. Civ. P. 41(a). Defendants have not been served in this action. Accordingly, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 9) is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**.

Although granted the opportunity to do so, Plaintiff did not file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed. Therefore, Plaintiff still is obliged to pay the full filing fee for this action pursuant to 28 U.S.C. § 1915(b).

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, enter judgment of dismissal without prejudice,

1 forward a copy to Plaintiff, and close the file.

2       **DATED** this 14<sup>th</sup> day of April 2009.

3                               *S/ Robert H. Whaley*  
4                               ROBERT H. WHALEY  
5                               CHIEF UNITED STATES DISTRICT JUDGE

6 Q:\CIVIL\2008\Diaz\8cv5095rhs-4-9-vdis.wpd  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27